

In the
Indiana Supreme Court

FILED
APR 24 2009

Kevin A. Smith

IN THE MATTER OF THE)
)
APPROVAL OF LOCAL RULES)
)
FOR OHIO COUNTY)

Case No. 58S00-0904-MS- 187

ORDER APPROVING AMENDED LOCAL RULES

The Honorable James D. Humphrey, Judge of the Ohio Circuit Court requests the approval of amended local rules for appointment of special judges in accordance with Ind. Criminal Rule 13 and Ind. Trial Rule 79. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Ohio Circuit Court, this Court finds that the proposed rule amendments, LR 58-AR-8 and LR 58-AR-9, comply with the requirements of Ind. Criminal Rule 13 and Ind. Trial Rule 79, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Ohio County Local Rules, LR 58-AR-8 and LR 58-AR-9, set forth as an attachment to this Order, are approved effective retroactive to January 1, 2009, provided further that the rules shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on this Court's website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. James D. Humphrey, Ohio Circuit Court, Courthouse, Rising Sun, IN 47040; and to the Clerk of the Ohio Circuit Court. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Ohio Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Court, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 24th day of April, 2009.

RT Shepard
Randall T. Shepard
Chief Justice of Indiana

AR-8: ASSIGNMENT OF CERTAIN CONFLICT CASES

- A. This rule shall apply to the re-assignment of case and the selection of a special judge where there is an Order of Disqualification or Recusal.
- B. As to cases filed on or before December 31, 1998, whenever the Judge of the Dearborn-Ohio Circuit Court has a conflict of interest in any case which required him to recuse himself because of prior contact with the case as a Deputy Prosecuting Attorney, Prosecuting Attorney or private practitioner, the case shall be assigned to Senior Judge Anthony C. Meyer for all further proceedings. The Clerk, upon recusal by the Circuit Court Judge, shall enter an order transferring the case to Senior Judge Anthony C. Meyer with an appropriate RJO entry and notify Senior Judge Anthony C. Meyer. Senior Judge Anthony C. Meyer shall accept jurisdiction under the provisions of this rule unless disqualified under the Code of Judicial Ethics or excused from service by the Indiana Supreme Court. The re-assignment of such case shall be entered on the chronological case summary of the case and will not require an oath or special order accepting jurisdiction. Senior Judge Anthony C. Meyer shall retain jurisdiction of the case for all future proceedings unless a specific statute or rule provides to the contrary or the Senior Judge is unavailable by reason of death, sickness, absence or unwillingness to serve. If further re-assignment or selection of a successor Special Judge or Senior Judge is required, then it shall be in the same manner as set forth in Ohio Circuit Court Local Rule AR-8(C) for criminal cases or Court Local Rule AR-9 for civil cases as to cases filed on or before December 31, 1998.
- C. Whenever a Motion for Change of Venue from the Judge has been granted pursuant to Criminal Rule 12(B), the presiding Judge disqualifies himself or it becomes necessary to assign another Judge in any criminal or juvenile delinquency case in the Ohio Circuit Court, the Clerk shall reassign said cases to the Judge of the following courts in the following consecutive order:
 - 1. Dearborn Superior Court 1
 - 2. Dearborn Superior Court 2
 - 3. Switzerland Circuit Court
 - 4. Ripley Circuit Court
 - 5. Ripley Superior Court
 - 6. Franklin Circuit Court

In the event it becomes necessary to reassign a criminal or juvenile delinquency case in the Ohio Circuit Court, the judges shall be reassigned in consecutive order to the Judges of the above named courts. Judges previously assigned the case are ineligible for reassignment.

AR-9: SPECIAL JUDGES

- A. Pursuant to Trial Rule 79(H), the following list of Judges shall be eligible for appointment as a Special Judge in civil cases:
 - 1. Judge of the Jefferson Circuit Court
 - 2. Judge of the Jefferson Superior Court
 - 3. Judge of the Switzerland Circuit Court
 - 4. Judge of the Ripley Circuit Court
 - 5. Judge of the Ripley Superior Court
 - 6. Judge of the Dearborn Superior Court 1
 - 7. Judge of the Dearborn Superior Court 2
- B. Such judges shall be appointed on a rotating basis. All judges named above are members of Indiana Supreme Court Administrative District 12.